

Regular Meeting – Silverton Board of Trustees  
Silverton Town Hall – January 22, 2018  
Call to Order and Roll Call– 6:30pm

Mayor: Christine M. Tookey  
Trustees: Pete Maisel, Tiffany deKay, Barbara Renowden, and Jess Wegert were present, and Larry Gallegos and Malcolm MacDougall were absent.  
Staff: Michelle Hamilton, Sara Mordecai, Mark Reavis  
Town Manager: Louis Fineberg

**Regular meeting**

- I. Staff and/or Board Revisions to Agenda - none**
- II. Public Comment**

DeAnne Gallegos – Thanked the Board for adding Louis Fineberg to Chamber board. She commented on the fee schedule: Events are a lot of work. Negative PR is created when changing fee schedule yearly. She suggested that the Board revisit Silverton non-profit exemptions.

Mike Maxfield – Was concerned with event application fees. The Mile High Jeep Club is bringing 300 jeeps for 10-12 days. They bring a great amount of economy to the town. Other communities are willing to waive all fees to bring them in. We don't want to run them off with our fees. Trustee deKay asked – what fees specifically? Mr. Maxfield replied – application fee and Kendall rental fee.

- III. Proclamations/Presentations**

- a. Trout Raley – Water Rights Attorney

Peggy Montano attended in person and Jeff Robbins via phone. Mrs. Montano put together bullet points for dialogue. Water rights at Molas are conditional, and every 6 years the Town has to show how we are developing that water right. We can claim any work as part of developing the overall water system. USFS claimed that Silverton is not entitled to our rights. The decree was published in December and we did not receive any objections. Second bullet: Town of Silverton has acquired direct flow water rights over time. When they called for enough water downstream that they dried up the river rights in 2005, Town of Silverton's water rights were not included in the portfolio. In 2002 they could have also called for Silverton's water but they did not. The concern is that we do not have enough water in storage and if we get a call on water, we could be in trouble. The Molas augmentation plan will include USFS permits and developing a water line. Other planning scenarios could be easier. We are looking at interruptible water right agreements with other senior right holders. It is a focus on the state level to help municipalities. Opportunities: How do we repurpose mining facilities to develop a new use of their water rights? Funding: DoLA, SW roundtable. Recommendations: what time period do you want to utilize? 10, 20, 50 years? How do we develop storage? How do we reserve the ability for snow making? You cannot take an agricultural right for snowmaking or mining right for municipal use unless you go through a change in water rights. Lake Nighthorse

development has taken a large toll on the river, as well as the Durango white water park. Trustee deKay asked – can mining companies change their rights? Mrs. Montano replied – you have to go to water court and get a change of use. Building an acre foot of storage capacity is very expensive. Why can't we repurpose mining reservoirs for storage use. It is beneficial to them because they can keep their water right and beneficial to the town because we have water storage. If the mining companies are not using their rights they are in danger of losing them. They have a defense against abandonment if they enter into an agreement with Silverton. Trustee Maisel stated- with mining bulkheads there is water available that can be tested for quality. Can we look at that? Mrs. Montano replied – there are a lot of ways we can be creative about storing water rights. They could be in tunnels with membranes. We could look into reservoir sharing. Town Manager Fineberg mentioned- we have a transient water supply (no storage). Trustee deKay asked – can people pick up abandoned water rights? Mrs. Montano replied – no they are struck from the priority list and they no longer exist. Trustee Maisel asked- are you using our inventory of water rights to work from? Mrs. Montano replied – the 2005 report has a partial inventory but doesn't include use. Trustee Maisel replied – we need an updated inventory and adjudication right? Mrs. Montano replied – yes, you need a hydrologist to drill down and inventory and prioritize use. Mr. Fineberg commented – in 2002 there was almost a call here, have there been other communities where that happened? Mrs. Montano replied– yes, Lafayette lost water for several weeks in 2002. Ft Lupton built a pipeline from the base of the mountains all the way to Ft Lupton. Trustee deKay asked – we had a call once? Mayor Tookey responded – maybe late 80s or early 90s. Mrs. Montano responded - only in 2002 there could have been a call but they did not enact it. Trustee Maisel- we appreciate the work on this. Mrs. Montano replied– I'll work with Louis and John to see how we can move on this. Mr. Fineberg – there are a lot of funding options available for water planning. I identify this as one of the top 5 issues for Silverton. If the board would like to work on planning we will move forward with this. Jeff Robbins agreed – very important issue and the community is in a position to plan without being in crisis mode.

#### **IV. Approval of Consent Agenda Items\***

- a. Accounts Payable, Payroll, VC Financials for December 2017
- b. Marijuana Operations Renewal Application – Acme Healing of Silverton
- c. Special Event Application – Snow Scape

**Trustee Wegert motioned and Trustee Maisel seconded to approve the Consent Agenda. The motion passed unanimously with a roll call vote.**

#### **V. Staff Reports –written reports included in the packet.**

Comments: Trustee deKay asked – can you explain the discussion about an ice park? Mr. Fineberg replied – I think there is an opportunity to develop something similar to Ouray's ice park at the mouth of Eureka Gulch. It is owned by one property owner which makes acquisition easy. I sent a letter to the owner to see if they are interested in selling or leasing. Trustee Renowden asked – won't that create more road work for the county? Mr. Fineberg replied- They clear all the way out there already. Trustee Renowden expressed

concern- there are avalanche paths the whole way out there. Mr. Fineberg replied- any grant money will require a feasibility study. Trustee Maisel commented- there are several avalanche paths but they do plow them. Mr. Maxfield commented – there are quite a few slide paths out there. County Road 110 and access to Silverton get priority. It could be a week before the road could get attention and we do not do avalanche control. It is at your own risk. Mr. Fineberg commented – this is in preliminary stages. There is a water right there. Trustee Wegert commended the idea- When we don't have snow, we struggle with economy but ice is still good. This is a way to diversify economy in winter.

#### **VI. Trustee Reports**

Trustee Renowden asked how many water leaks have been found. Mr. Fineberg replied – last I checked it was 3 and they were all repaired. Deputy Clerk, Sara Mordecai responded- the crew has been listening for leaks and then another company comes in and zeros in on it. She said that staff has done two meter readings so far and nothing alarming has popped up. Trustee Maisel commented- there is one more they are working on now four feet deep. Trustee Renowden asked – is it possible that some of these were pre-existing or are they all pipe breaks due to freeze? Mr. Fineberg replied – anything is possible. It is probably a combination of factors. Trustee Renowden stated – I would like to look at the rates we are charging now. Mrs. Mordecai mentioned- Electricity bills have saved \$14,000 since we changed to LED lights on the street lamps. Trustee Renowden asked if staff has resolved what to do when Town Hall needs to be closed. She felt that the Board should be notified of any unexpected closings. Mr. Fineberg replied – I have been here 3 months and this is not a regular occurrence. We can send out a notification to the Board. Mayor Tookey announced – we have a Region 9 meeting next week.

#### **VII. Continued Business - none**

#### **VIII. New Business**

##### **a. SWCCOG Town Seat – Discussion and Vote**

Mayor Tookey stated – Since Trustee Gallegos has not been attending we need to have someone else take the seat. We want to appoint Louis Fineberg. We need a motion. Trustee Renowden asked – what does the SWCCOG do for us? Mayor Tookey replied – they were instrumental in getting broadband. Trustee Maisel chimed in- that was easily \$70,000.

**Trustee Renowden motioned and Trustee Maisel seconded to appoint Louis Fineberg to SWCCOG Board. The motion passed unanimously with a roll call vote.**

##### **b. Grand Block Promotional Association Annual Report and Renewal Request**

Molly Barela, Grand Block Promotional Association President, presented. She claimed that Page 44 of the packet had documents missing. She said she provided liability insurance, although the date of expiration is the February 4, 2018. The new policy is not in effect until the 4<sup>th</sup>. The new policy document will be submitted when it is in effect. Mr. Fineberg stated that the deadline for re-certification is state imposed as January 31<sup>st</sup>. Mrs. Barela stated that the letter she received from the Town says documents are

not there but they were all submitted. She said she is upset because she submitted everything and she was told the documents are not on file. Mrs. Mordecai replied that any application for any license or permit annually requires the applicant to re-submit all files. Mrs. Barela stated that she feels staff should look up her previous file. Mr. Fineberg replied that it shouldn't be staff's job to look through old files and compile documentation. It can be a liability. Mrs. Barela asked - If it already exists on file, why would I re-submit the same documents? Mr. Fineberg commented that he does not think her submission is out of line with what they discussed. Mrs. Barela asked staff if they have a Grand Block file. Mrs. Mordecai replied to the Board- if you want me to handle every license application as a task to go back and piece together documentation from a previous year's file, it is a lot of work. Mr. Fineberg commented – it would be highly unusual to have staff compile anyone else's application to be complete. Trustee Maisel said- I think we need to make these things easier for event holders. Mayor Tookey stated –we would have also liked a report about how the prior year went. Mrs. Barela replied – each event is different. I have given a description about every event. Mr. Fineberg asked the Board to vote on the application now subject to the missing documentation being provided. Mrs. Barela stated – I want you to approve the upcoming event as well as re-certify the Promotional Association. Mr. Fineberg responded- If you want to present this event application tonight, we can introduce it as evidence. Mrs. Barela presented her event.

**b1: Trustee deKay motioned and Trustee Maisel seconded to approve the Grand Block Promotional Association recertification request pending submission of all required documentation by Jan 31. The motion passed unanimously with a roll call vote.**

**b2: Trustee Maisel motioned and Mayor Tookey seconded to approve the Grand Block Promotional Association's Common Consumption Area Request pending the recertification approval. The motion passed unanimously with a roll call vote.**

**c. First Reading - Ordinance 2018-01 Town of Silverton Drone Policy – Discussion and Vote**

Town/County Planner, Mark Reavis gave an overview of the proposed drone ordinance. The Trustees agreed to keep the "whereas" referencing skijoring. Trustee Wegert asked if there is an opportunity for a local to get an annual permit rather than a 30 day or temporary permit. Mr. Fineberg replied that perhaps they could have a separate recreational permit for different uses other than events. Trustee Maisel commended the Ordinance, stating that- this ordinance gives our local authority some teeth. Mr. Fineberg stated – the Sheriff is responsible to enforce local law or if he is able to, enforce federal law. The Sheriff has reviewed the Ordinance and has said he feels good about it.

Trustee deKay asked if the county is going to review this document. Mr. Reavis said that he would present it to the County Commissioners. Mrs. Mordecai mentioned that any way they can support a local annual permit would be great. Trustee Maisel agreed.

Trustee Renowden motioned and Trustee Maisel seconded to approve the 1<sup>st</sup> reading of Ordinance 2018-01 Drone Regulations. The motion passed unanimously with a show of hands.

**d. Resolution 2018-01 2018 Fee Schedule – Discussion & Vote**

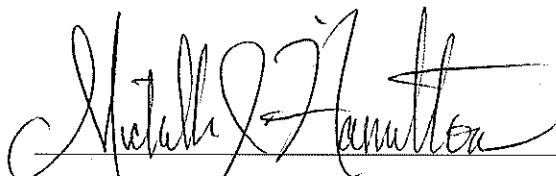
Mr. Fineberg stated that he reviewed all of the changes in the revised fee schedule. The Board agreed to strike the mobile home/camper parking fee. The OHV parking fees are defined as only town property, not private parking lots. Trustee Maisel suggested that they change the fine for parking too close to a fire hydrant to \$100. The banner hanging fee was changed to \$25. The vendor permit was changed to \$50 per year/ \$30 per event Mr. Fineberg commented – regarding facility fees, we need to establish uniformity and stick to it. We should not base our fee schedule around specific organizations or events. I would think long and hard about going into the red to subsidize an event. Trustee deKay added – I think we need to consider the in-kind contribution the Town gives to each event as well. Group camping was changed to \$500 per day or \$2100 per week. Trustee Maisel said that Public Works equipment rental fees need to be raised.

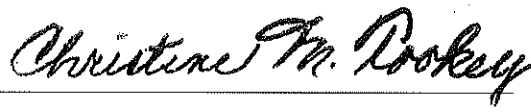
**The Resolution tabled so staff can make revisions.**

**e. Bulk Water Fill Station Quotes –Discussion**

The Board agreed to pursue a free standing unit and Mr. Fineberg showed that it will pay for itself in one year. Staff will look into it further.

- X. Public Comment- none
- IX. Adjourn 9:41

  
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Michelle J. Hamilton Town Clerk/Treasurer

  
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Christine M. Tookey, Mayor